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SUBJECT: BENIN: WORST FORMS OF CHILD LABOR

REF: A. STATE 184972

[B](#). COTONOU 97
[C](#). COTONOU 1165

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[1](#). This cable responds to the Department's request for information for the Worst Forms of Child Labor report (Ref A).

LAWS AND ENFORCEMENT

[2](#). Benin's Labor Code sets the minimum age for employment at 14 years of age, but children aged 12 to 14 may perform domestic work and light work of a temporary or seasonal nature, provided that it does not interfere with their compulsory schooling. Primary education (Grades 1-6, children aged 6-11) is free and compulsory.

[3](#). Beninese law does not at present contain a definition of the worst forms of child labor, however Benin ratified both International Labor Organization Conventions 138 (setting the minimum work age) and 182 (defining the worst forms of child labor) in 2001. Benin has not yet provided a list or equivalent document identifying hazardous forms of work prohibited to minors under Article 4 of Convention 182. According to the Ministry of Labor, the government is currently compiling a list of hazardous forms of child labor for submission in 2007.

[4](#). The government has designated the Ministry of Interior's Brigade for the Protection of Minors as having jurisdiction over all law enforcement matters related to children, including child labor and child trafficking. The worst forms of child labor can be prosecuted under different statutes in Benin including the Penal Code, the Labor Code, the General Collective Convention on Labor, the Social Code, case law, and a wide range of other legislation and government decrees. Depending on the case in question, laws against prostitution, forced or bonded labor, and the employment of children less than 14 years of age may be used to punish violators.

[5](#). On April 5, 2006 the president promulgated a new law against child trafficking (Ref B). The new law provides for increased penalties for the trafficking of minors, including imprisonment from six months to life, depending on the severity of the crime, and fines from \$100 (50,000 CFA francs) to \$10,000 (five million CFA francs). The law states that individuals who are aware of child trafficking offenses and do not report them shall face fines of \$20 (10,000 CFA francs) to \$100 (50,000 CFA francs). On July 9, 2006, along with 23 other West and Central African countries, the government signed an agreement and adopted an action plan to combat

trafficking. Regional efforts also continued between heads of state of concerned countries to cooperate to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims.

¶16. There are no statistics currently available concerning the number of child labor complaints investigated and violations addressed. There are approximately 100 government labor agents (Inspectors, Controllers and administrators), who are located at the departmental level throughout the 12 departments of Benin. These officials only regulate the formal sector (not the informal one, where the majority of child labor occurs) and none are dedicated solely to investigating child labor cases. When someone brings a complaint regarding child labor, a government labor inspector will visit the work site and investigate. If the law is being violated, the labor inspector may try to negotiate with the "employer" to remedy the situation immediately, if possible. If the labor inspector finds serious violations have occurred, the inspector has the authority to sanction the employer and order the employer to pay compensation to the victim(s). In 2006 the government, in collaboration with IPEC, provided a two-day training session on convention 138 and convention 182 to approximately 15 officials charged with enforcing child labor laws.

PREVENTION AND PROGRAMMING

¶17. According to IPEC, the government finances some initiatives to prevent the worst forms of child labor, but detailed information is not available at this time. One such program involves purchasing rock-crushing equipment to be used by collectives engaged in quarrying activities in central Benin.

¶18. In an effort to boost school attendance and alleviate the financial burden on families, the government recently declared schools could no longer require parents to pay fees for school teaching materials and office supplies, only uniforms and books for their children (Ref C). In addition, the government is examining

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ways to improve the implementation of the primary education curriculum called the "New Study Program." This program, which is designed to enhance the quality and relevance of schooling, was rolled out to successive primary school grades 1-6 beginning in ¶1999. The sixth grade curriculum was introduced in 2004. Primary education is compulsory, but this requirement is not enforced.

¶19. The Government does not provide direct support to vocational programs that could serve as an alternative to hazardous forms of child labor for older children. But international organizations such as ILO (through the IPEC/LUTRENA program), UNICEF, and DANIDA provide financial support to local NGOs, which administer such programming. In addition, there is a USDOL-funded project being implemented by Catholic Relief Services that has helped over 5,000 children to either be withdrawn from, or avoid altogether, child trafficking for exploitative labor in Benin.

CHILD LABOR POLICY

¶10. Benin does not have either a comprehensive policy or national program of action on child labor. IPEC notes, however, that the government is a signatory to Convention 182 and is open to cooperation with various organizations working to combat the worst forms of child labor. According to statistics (from Benin's 2002 census) published in a 2006 ILO publication entitled "La fin du travail des enfants: un objectif a notre portee," there are 480,023 children 14 and under working in either the formal or informal sectors in Benin in the following activities: agriculture, hunting and fishing (275,648); industry (22,476); construction and public works (4,189); trade/vending and food & beverage (78,823); transportation and communication (909); and other services including employment as household staff (97,978).

HOLTZAPPLE